

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-10498

Alberto Soto-Lara

v.

United States of America

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 5/13/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on May 18, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 5/18/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10498-WGY**

Soto-Lara v. United States of America
Assigned to: Chief Judge William G. Young
Related Case: 1:05-cv-10677-MLW
Cause: 28:2255 Motion to Vacate / Correct
Illegal Sentenc

Date Filed: 03/12/2004
Jury Demand: None
Nature of Suit: 510 Prisoner:
Vacate Sentence
Jurisdiction: U.S. Government
Defendant

Petitioner

Alberto Soto-Lara

represented by **Alberto Soto-Lara**
04801-070
FCI Elkton
A/B
P.O. Box 10
Lisbon, OH 44432
PRO SE

V.

Respondent

United States of America

represented by **Heidi E. Brieger**
United States Attorney's
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 LEAD ATTORNEY
 ATTORNEY TO BE
 NOTICED

Date Filed	#	Docket Text
03/08/2004	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (2255) , filed by Alberto Soto-Lara.(Bell, Marie) (Entered: 03/12/2004)
03/08/2004	<u>3</u>	MEMORANDUM IN SUPPORT by Alberto Soto-Lara to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255). (Bell, Marie) (Entered: 03/19/2004)
03/18/2004	<u>2</u>	Judge William G. Young : ORDER entered SERVICE ORDER re 2255 Motion. Order entered pursuant to R.4 of the Rules governing Section 2255 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order.cc/cl.(Bell, Marie) (Entered: 03/18/2004)
03/31/2004	<u>4</u>	MOTION for Extension of Time to 4/16/04 to File Response as to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) by United States of America.c/s.(Bell, Marie) (Entered: 04/02/2004)
04/06/2004	•	Judge William G. Young : ELECTRONIC ORDER entered granting <u>4</u> Motion for Extension of Time to File Response/Reply as to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255). Responses due by 4/16/2004. cc/cl. (Bell, Marie) (Entered: 04/07/2004)
04/16/2004	<u>5</u>	MOTION for Extension of Time to 5/14/04 to FILE RESPONSE by United States of America.(Smith, Bonnie) (Entered: 04/20/2004)
04/20/2004	•	Judge William G. Young : ELECTRONIC ORDER entered granting <u>5</u> Motion for Extension of Time

		(Smith, Bonnie) (Entered: 04/20/2004)
05/14/2004	<u>6</u>	Second MOTION for Extension of Time to 05/28/2004 to File Response/Reply by United States of America.(Brieger, Heidi) (Entered: 05/14/2004)
05/18/2004	•	Judge William G. Young : ELECTRONIC ORDER entered granting <u>6</u> Motion for Extension of Time to File Response/Reply TO 5/28/04. cc/cl. (Bell, Marie) (Entered: 05/19/2004)
06/07/2004	<u>7</u>	RESPONSE to <i>Alberto Soto-Lara's Petition to Vacate, Set Aside, or Correct Sentence</i> by United States of America. (Brieger, Heidi) Additional attachment(s) added on 6/8/2004 (Bell, Marie). Additional attachment(s) added on 6/9/2004 (Bell, Marie). (Entered: 06/07/2004)
06/28/2004	<u>8</u>	REPLY to Response to Motion re Motion to Set Aside Sentence filed by Alberto Soto-Lara. (Smith, Bonnie) (Entered: 06/29/2004)
02/22/2005	<u>9</u>	MOTION For Inclusion of Additional Cases by Alberto Soto-Lara. c/s.(Bell, Marie) (Entered: 02/23/2005)
02/24/2005	•	Judge William G. Young : Electronic ORDER entered granting <u>9</u> Motion For Inclusion of Additional Cases. cc/cl. (Bell, Marie) (Entered: 02/24/2005)
05/02/2005	<u>10</u>	Judge William G. Young : MEMORANDUM AND ORDER entered. BOTH THE BREACH OF PLEA AGREEMENT CLAIM AND THE DOUBLE JEOPARDY CLAIM LACK MERIT. FAILING TO RAISE SUCH MERITLESS CLAIMS IS NOT OBJECTIVELY UNREASONABLE AND THEREFORE DOES NOT CONSTITUTE INEFFECTIVE ASSISTANCE OF COUNSEL. ACCORDINGLY, SOTO-LARA'S MOTION TO VACATE, SET ASIDE, OR CORRECT HIS SENTENCE PURSUANT TO 28 U.S.C. 2255

		(DOCKET NO. 1) IS DENIED. SO ORDERED. cc/cl. (Bell, Marie) (Entered: 05/03/2005)
05/03/2005	• 11	Judge William G. Young : Electronic ORDER entered. JUDGMENT in favor of Respondent against Petitioner(Smith, Bonnie) (Entered: 05/06/2005)
05/04/2005	•	Civil Case Terminated. (Smith, Bonnie) (Entered: 05/04/2005)
05/13/2005	• 12	NOTICE OF APPEAL as to <u>10</u> Memorandum & ORDER, by Alberto Soto-Lara. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 6/2/2005. cc/cl.(Bell, Marie) (Entered: 05/17/2005)